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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4970 OF 2024

Murugan Virman Devendran	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Hrishikesh Mundargi, i/b. Ms. Pravada Raut for applicant.

Mrs. Megha S. Bajoria, APP for respondent-State.

PSI Pildankar, Antop Hill Police Station, Mumbai.

CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Criminal Procedure Code, 1973 (hereinafter referred to as "Cr.P.C.") seeking regular bail in connection with Crime Register No.267 of 2024 registered with Antop Hill Police Station for offences punishable under Sections 307, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951.

2. As per the prosecution case, on 23.05.2024, the applicant allegedly called the husband of the informant and abused him in filthy language. Being disturbed by the said abusive language, the

informant's husband informed her that he was going to the applicant's place to question him. Thereafter, the informant made repeated calls to her husband but received no response. After some time, the informant received a phone call from her husband's mobile number. However, the caller was not her husband but his friend, who informed her that, at around 10:00 p.m., at Makkawadi Junction, Sion Koliwada, the applicant (Accused No.1) along with another unidentified individual had assaulted her husband with a sharp-edged weapon and inflicted a stab injury in his abdomen. The injured was then immediately taken to Sion Hospital by his friend. Based on this information, the present FIR came to be registered under the above-mentioned sections.

3. The learned counsel appearing for the applicant submitted that the investigation is now complete and the charge-sheet has been filed before the competent Court. It is submitted that the injury suffered by the victim is a single stab wound measuring 2 cm x 1 cm and is peritoneal deep. The counsel contended that the nature of the injury, though not minor, does not by itself attract the charge under Section 307 of IPC, as there is no material on record to demonstrate that the applicant had any premeditated intention or preparation to commit murder. It is further submitted that the applicant undertakes not to tamper with prosecution witnesses or influence the investigation in any manner. The applicant has been in custody since 24.05.2024, and considering the present situation of trial pendency, it is unlikely that the trial will conclude in the near future. Hence, the applicant prays for release on bail on appropriate conditions.

4. Per contra, the learned APP has strongly opposed the bail application. It is submitted that the incident occurred in the presence of multiple witnesses, including the injured victim himself, who is an eye-witness. It is argued that from the manner of assault, the use of a sharp weapon, and the part of the body targeted (abdomen), it is clear that there was an intention to cause death or at least knowledge that such act could cause death, thereby squarely attracting Section 307 of IPC. The learned APP submits that the seriousness of the offence, along with the potential threat to witnesses if the accused is released, justifies rejection of the bail plea.

5. I have carefully considered the submissions made by the learned counsel for the applicant as well as the learned APP for the State. I have perused the material placed on record including the First Information Report, injury certificate, and the charge-sheet filed by the Investigating Officer.

6. It is not in dispute that the applicant has been in custody since 24.05.2024, and that the investigation is complete and charge-sheet is already filed. Thus, further custodial interrogation of the applicant is no longer necessary.

7. From the injury report, it appears that the victim sustained a single stab wound measuring 2 x 1 cm, which is described as peritoneal deep. There is no material brought to the Court's notice to show that the injury was on a vital organ or that it was life-threatening. Though the weapon used and the site of the injury do indicate a certain degree of seriousness, whether or not there was

intention or knowledge to cause death, as required under Section 307 of IPC, will be a matter of trial, based on evidence and cross-examination of witnesses.

8. At this stage, the presumption of innocence operates in favour of the applicant. The applicant has undertaken not to tamper with prosecution witnesses or obstruct the fair trial process. No material is shown that the applicant has criminal antecedents or that he poses a flight risk. Further, the possibility of early disposal of the trial appears remote.

9. Considering the nature of the injury, the stage of the proceedings, and the period of incarceration already undergone, this Court is of the opinion that a case for grant of bail on appropriate conditions is made out.

10. Hence, the following order is passed:

11. The applicant Murugan Virman Devendran is directed to be released on regular bail in connection with Crime Register No.267 of 2024, upon furnishing a personal bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report Antop Hill Police Station on first day of every month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall not tamper with the evidence or attempt to influence any witness.

- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

12. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)